

## REMARKS

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants amend Claim 1. Applicants do not cancel or add any claims. Accordingly, Claims 1, 2, 16 and 17 are pending.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "Version With Markings To Show Changes Made."

### **I. Claims Rejected Under 35 U.S.C. § 102(b)**

The Patent Office rejects Claims 1, 2 and 16 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,399,605 to Dash, et al. ("Dash").

In order to anticipate a claim, the relied upon reference must disclose every limitation of the claim. Among other limitations, amended independent Claim 1 recites a circuit device wherein a first metal gate electrode and a second metal gate electrode are not in direct physical contact with each other. Applicants submit that at least this limitation is not disclosed by Dash.

In maintaining the rejection, the Patent Office relies on Dash to show first metal gate electrode 56 and second metal gate electrode 50 each disposed in respective ones of the first area and the second area of a semiconductor substrate (Figure 9). In response, Applicants note that amended independent Claim 1 recites that the first metal gate electrode and the second metal gate electrode are not in direct physical contact with each other. However, gate electrode 56 and gate electrode 50 of Dash are in direct physical contact with each other, as shown in Figure 9. Thus, at least this limitation is not disclosed by Dash.

Accordingly, Applicants respectfully request withdrawal of the rejection of amended independent Claim 1. Claims 2 and 16 depend from amended independent Claim 1 and are not anticipated at least for the same reasons.

**II. Claims Rejected Under 35 U.S.C. §103(a)**

The Patent Office rejects Claim 17 under 35 U.S.C. 103(a) as being obvious over Dash. Applicants respectfully traverse this rejection.

In order to render a claim obvious, the relied upon reference must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art. Claim 17 is dependent on amended independent Claim 1 and contains all of the limitations thereof. Thus, the reasoning and arguments set forth above pertaining to amended independent Claim 1 apply equally here to Claim 17.

Specifically, Claim 17 recites a first metal gate electrode and a second metal gate electrode that are not in direct physical contact with each other. As discussed above, at least this limitation is neither taught nor suggested by Dash. Accordingly, Applicants respectfully request withdrawal of the rejection of Claim 17.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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#### CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231, on August 20, 2002.

Lillian E. Rodriguez  
Lillian E. Rodriguez

8-20-02  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

Please amend the claim as follows:

1           1.       (Three Times Amended) A circuit device comprising:  
2           a first transistor including a first metal gate electrode over a first gate dielectric on a first  
3           area of a semiconductor substrate and having a work function corresponding to the work function  
4           of one of P-type silicon and N-type silicon;  
5           a second transistor complementary to the first transistor including a second metal gate  
6           electrode over a second gate dielectric on a second different area of a semiconductor substrate and  
7           having a work function corresponding to the work function of the other one of P-type silicon and  
8           N-type silicon; and  
9           wherein the first metal gate electrode and the second metal gate electrode are not in direct  
10          physical contact with each other and are each separately disposed in respective ones of the first area  
11          and the second area of the semiconductor substrate.